



PATENT
Attorney Docket No. KAP 101 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
)
Aaron V. Kaplan, M.D., et al.)
)
Serial No.: 10/002,329)
)
Filed: November 1, 2001)
)
Group Art No.: 3763)
)
Examiner: Not yet Assigned)
)
For: METHODS AND APPARATUS FOR)
PERICARDIAL ACCESS)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit February 12, 2002

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NAME Jeannie Rapstad

SIGNATURE

Jeannie Rapstad

Commissioner for Patents
U.S. Patent & Trademark Office
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, Applicants hereby call the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and

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appear among the "references cited" on any patent to issue therefrom.

It is believed that copies of these patents are not required to be submitted with the Information Disclosure Statement of the present application because the present application conforms to the provisions set forth under 37 C.F.R. §1.98, paragraphs (d)(1) and (d)(2).

In compliance with 37 C.F.R. §1.98, paragraph (d)(1), this Information Disclosure Statement properly identifies the earlier application as follows:

Title: "Methods and Apparatus
for Pericardial Access"

Inventor: Aaron V. Kaplan et al.

Serial No.: 09/397,392

Filed: September 16, 1999

The present application also relies on the '392 application for an earlier effective filing date under 35 U.S.C. §120 because the present application was filed as a divisional application of the '392 application.

In compliance with 37 C.F.R. §1.98, paragraph (d)(2), an Information Disclosure Statement was previously submitted to the U.S. Patent Office in the earlier application and complied with paragraphs (a) through (c) of 37 C.F.R. §1.98. All listed

references were correctly identified, and a copy of each reference was submitted. These references are identical to the references listed on the attached form in the present application.

It is therefore respectfully believed that pursuant to 37 C.F.R. §1.97(d), copies of the listed references are not required. If copies should be required, Applicant will furnish copies to the U.S. Patent Office upon request.

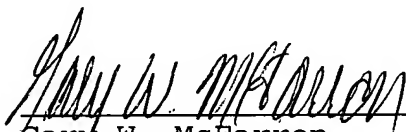
No inference should be drawn that any apparatus disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicants also respectfully reserve the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

This Information Disclosure Statement is being submitted within the latest of 3 months of the filing date of the present application or before the first Office Action on the merits. Accordingly, it is believed that no additional fee is required for the submission of this Information Disclosure Statement. However, should an additional fee be required, authorization is hereby given to charge Deposit Account 50-1039. (A duplicate copy of this document is enclosed.)

Respectfully submitted,

Date: February 12, 2002



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Attorneys for Applicants



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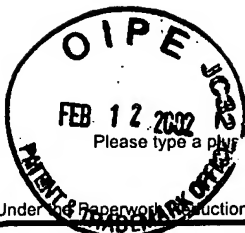
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/002,329	
	Filing Date	November 1, 2001	
	First Named Inventor	Aaron V. Kaplan, M.D., et al.	
	Group Art Unit	3763	
	Examiner Name	Not yet Assigned	
Total Number of Pages in This Submission	11	Attorney Docket Number	KAP 101 DIV

ENCLOSURES (check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. Gary W. McFarron, Esq. (Reg. No. 27,357)
Signature	
Date	February 12, 2002

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 12, 2002		
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